

Practitioner's Docket No. U 013560-1

PATENT

1625  
SW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noel John de Souza, et al.

Application No.: 09/919,347

Group No.: 1625

Filed: July 31, 2001

Examiner: Seaman, D. Margaret

For: INHIBITORS OF CELLULAR EFFLUX PUMPS OF MICROBES

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

(1) The statement specified in paragraph (e) of this section; or

(2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

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Date: July 20, 2004

Signature

Janet I. Cord

(type or print name of person certifying)

07/23/2004 BABRAHA1 00000064 09919347

01 FC:1806

180.00 DP

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97

and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final. Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136(a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

#### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

#### **STATEMENT OR FEE**

2. Accompanying this transmittal is  
(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. 1.97(e).

**OR**

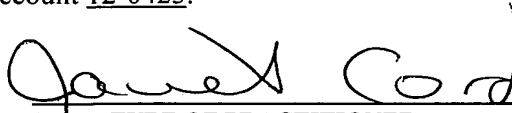
B. ☒ the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

#### **METHOD OF PAYMENT OF FEE**

3. ☒ Attached is a check in the amount of \$ 180.00.

[ ] Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

If any additional fees are due, please charge Account 12-0425.



SIGNATURE OF PRACTITIONER

Reg. No. 33,778

Janet I. Cord

*(type or print name of practitioner)*

Tel. No.: (212)708-1935

\_\_\_\_\_  
P.O. Address

Customer No.:

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Attorney Docket No.: U 013560-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references which are also listed on the attached Form PTO-1449.

Respectfully submitted,

Janet I. Cord  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, NY 10023  
Tel. No.: (212) 78-1935  
Reg. No.: 33,778

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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☒ with sufficient postage as first class mail.

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Signature

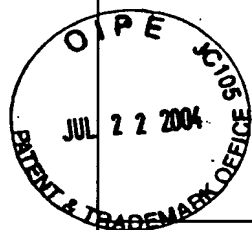
Janet I. Cord

(type or print name of person certifying)

**\*WARNING:**

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



FORM PTO-1449

U. S DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

U 013560-1

SERIAL NO.

09/919,347

APPLICANT

Noel John de Souza, et al.

FILING DATE

July 31, 2001

GROUP

1625

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA	4,563,459	1/1986	Klaus Grohe, et al.	
	AB	5,989,832	11/1999	Joaquim Trias, et al.	
	AC				
	AD				
	AE				
	AF				
	AG				
	AH				
	AI				
	AJ				
	AK				

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AL	8502369	12/1985	ZA		
	AM	1097751	1/1995	CN		
	AN					
	AO					
	AP					

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	Abstract of South African patent 8502369, dated December 24, 1985
	AS	Abstract of Chinese Patent 1097751 dated January 25, 1995
	AT	Abstract of Masateru Ohta and Hiroshi Koga, Journal of Medicinal Chemistry (1991), 34 (1), 131-9

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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	AI				
	AJ				
	AK				

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					YES	NO
	AL					
	AM					
	AN					
	AO					
	AP					

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	Abstract of Nobuhisa Masuda, et al., Antimicrobial Agents and Chemotherapy (2000), 44 (12), 3322-3327
	AS	Abstract of Qingsen Yu, et al., Huaxue Yanjiu Yu Yingyong (1995), 7 (3), 301-304
	AT	Abstract of Seiji Morita, et al., Chemical & Pharmaceutical Bulletin (1995), 43 (12), 2246-52

EXAMINER

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					YES	NO
	AL					
	AM					
	AN					
	AO					
	AP					

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	Joseph P. Sanchez, et al., <u>Quinolone Antibacterial Agents. Synthesis and Structure-Activity Relationships of a Series of Amino Acid Prodrugs of Racemic and Chiral 7-(3-Amino-1-pyrrolidinyl)quinolones. Highly Soluble Quinolone Prodrugs with in Vivo Pseudomonas Activity</u> , J. Med. Chem. (1992), 35, 1764-1773
	AS	
	AT	

EXAMINER

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